

IN THE ALLEN SUPERIOR COURT

STATE OF INDIANA,

Plaintiff,

V.

WINIFRED J. POWELSON, also known as)
 JANE POWELSON, also known as)
 JANE STAUFFER, also known as)
 WINNIE MAY,)
 individually and doing business as)
 VICTORIAN MANOR CAVALIERS,)
 PRIMROSE MANOR CAVALIERS,)
)
 Defendant.)

CAUSE NO. _____

02D01-04 08 -PL-346

TEMPORARY RESTRAINING ORDER

This matter having come before the Court on the Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction, and the Court having considered the Plaintiff's Motion and the allegations contained in the Plaintiff's Verified Complaint in this action, now finds as follows:

1. The Defendant is an individual residing and maintaining a principal place of business in Allen County, Indiana.
2. In the course of her business, the Defendant operates as a seller of puppies.
3. The Defendant has sold puppies to consumers and accepted payments on orders for puppies.
4. Consumers, including but not limited to those identified in the Plaintiff's Complaint, have either not received the puppies for which they have paid, have not

received the AKC registration papers, or have otherwise not received the puppies as represented by the Defendant.

5. The Defendant has been placed on referral status with the American Kennel Club and is therefore prevented from to registering litters and/or puppies, therefore making her unable to sell AKC puppies.

6. The Defendant has and continues to advertise AKC puppies for sale.

7. Based upon an initial calculation of the probable damages stemming from these consumer complaints, the Defendant is indebted to consumers and the State of Indiana in excess of Twenty-Seven Thousand Dollars (\$27,000.00), due to her failure to deliver the puppies as represented, failure to deliver the AKC registration papers, and her failure to honor her health guarantees on the puppies.

8. A bank account with the Professional Federal Credit Union (account number 147168348) and the property located at 302 Summit Street, Monroeville, IN 46773, and any inventory contained therein, are likely the only assets owned by the Defendant.

9. Unless restrained from offering for sale, taking deposits on, or otherwise engaging in the sale of puppies as AKC puppies, additional consumers will suffer an immediate and irreparable injury should the Defendant continue in her failure to deliver the puppies and/or the AKC-registration papers.

10. The Plaintiff is a governmental organization and is not required to offer security pursuant to Rule 65(c) of the Indiana Rules of Trial Procedure.

11. The Plaintiff's Motion for Temporary Restraining Order should be granted.

IT IS THEREFORE ORDERED by the Court that the Defendant, Winifred J. Powelson, and her employees, agents, representatives, and any other person acting at the direction of the Defendant, be and hereby are temporarily restrained, pursuant to Rule 65 of the Indiana Rules of Trial Procedure, from offering for sale, taking deposits on, or otherwise engaging in the sale of puppies as AKC puppies, ~~from spending, transferring, disbursing, encumbering, or otherwise dissipating any funds currently contained in her, bank account at the Professional Federal Credit Union (account number 147168348), or otherwise relocating the Defendant's inventory from its current location at 302 Summit Street, Monroeville, Indiana, 46773.~~

IT IS FURTHER ORDERED that the Defendant appear and show cause at a hearing to be held on Sept 13, 2004 at 8:30 o'clock a.m./p.m., or as soon thereafter as counsel may be heard, why a preliminary injunction should not be issued to preliminary enjoin the Defendant, during the pendency of this action, from committing the acts restrained herein.

IT IS FURTHER ORDERED that the Plaintiff not be required to post security to obtain this Order pursuant to Rule 65(c) of the Indiana Rules of Trial Procedure.

DATED: 8/27/04



Judge, Allen Superior Court

Distribution:

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Winifred J. Powelson
302 Summit Street
Monroeville, IN 46773